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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SARAH BRADBURN, PEARL
CHERRINGTON, CHARLES HEINLEN,
and the SECOND AMENDMENT
FOUNDATION,

Plaintiffs,

v.

NORTH CENTRAL REGIONAL LIBRARY
DISTRICT,

Defendant.

No. CV-06-327-EFS

**ORDER GRANTING PLAINTIFFS’
MOTION FOR SUMMARY
JUDGMENT**

[PROPOSED]

The Court, having considered Plaintiffs’ Motion for Summary Judgment and all briefs, exhibits, and materials submitted in support of and in opposition thereto, and having heard oral argument, if any, hereby rules as follows:

1. Defendant the North Central Regional Library District (“NCRL”) is a municipal corporation acting under color of state law for purposes of 42 U.S.C. § 1983.
2. Defendant provides Internet access to its patrons, but filters all such access. Defendant has configured its Internet filter to block a substantial quantity of speech that is protected by the First Amendment to the United States Constitution and Article I, Section 5 of the Washington State Constitution.

1 3. Defendant’s Internet filter also overblocks – meaning that it erroneously blocks
2 Web sites that contain protected speech and should not be blocked.

3 4. Defendant’s Internet filter makes certain information inaccessible based on its
4 content, but does so in a manner that is not adequately tailored to a suitable governmental
5 interest.

6 5. Defendant will not disable its Internet filter at the request of adults. Defendant
7 has no basis for limiting adult library patrons to seeing only material that Defendant deems
8 suitable for minors.

9 6. There is no genuine issue of material fact, and Plaintiffs are entitled to
10 judgment as a matter of law on their claims that Defendant’s Internet filtering policy –
11 particularly Defendant’s refusal to disable its filter at the request of adults – violates the First
12 Amendment of the U.S. Constitution and Art. I, Sec. 5 of the Washington State Constitution.

13 7. The constitutional violation caused by NCRL’s existing Internet filtering
14 policies may be remedied by an order requiring NCRL to disable the filter upon the request of
15 any adult patron.

16 Therefore, it is hereby ORDERED:

17 A. That summary judgment shall be entered in favor of Plaintiffs; and

18 B. That a permanent injunction shall be entered as follows: NCRL is enjoined
19 from operating its Internet filtering system unless it establishes policies and procedures to
20 ensure that the filter will be immediately disabled upon the request of any adult library patron.

21
22 DATED this _____ day of _____, 2008.

23
24 _____
25 United States District Judge
26

1
2 Presented By:

3 AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION

4 By: /s/ Duncan Manville

5 Duncan Manville, WSBA #30304

6 1629 2nd Avenue W.

7 Seattle, WA 98119

8 Tel. (206) 288-9330

9 Fax (206) 624-2190

10 duncan.manville@yahoo.com

11 Aaron H. Caplan, WSBA #22525

12 American Civil Liberties Union of Washington Foundation

13 705 Second Avenue, Third Floor

14 Seattle, WA 98103

15 Tel. (206) 624-2184

16 Fax (206) 624-2190

17 caplan@aclu-wa.org

18 Catherine Crump, pro hac vice

19 American Civil Liberties Union Foundation

20 125 Broad Street, 18th Floor

21 New York, NY 10004

22 Tel. (212) 519-7806

23 ccrump@aclu.org

24 Counsel for Plaintiffs